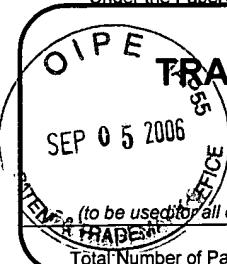


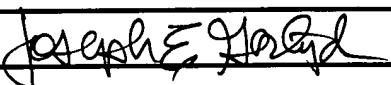
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 <p>TRANSMITTAL FORM</p> <p>(to be used for all correspondence after initial filing)</p> <p>TRADEMARK</p>		Application Number	10/706,815
		Filing Date	11/12/2003
		First Named Inventor	VIG, Harry
		Art Unit	2136
		Examiner Name	SHIFERAW, Eleni A.
		Total Number of Pages in This Submission	1
		Attorney Docket Number	029-03US1

ENCLOSURES (Check all that apply)

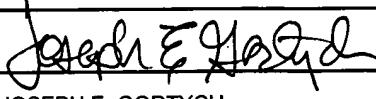
<input checked="" type="checkbox"/> Fee Transmittal Form <i>(Issue fee)</i> <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> > Return receipt postcard > Copy of grant of 37 CFR 1.181 petition > Extra copy of Issue Fee Transmittal Part B for fee payment (deposit acct) 	
		<input type="checkbox"/> Remarks <p>This application was initially deemed abandoned by the USPTO for failure to respond to the initial Notice of Allowance. However, a 37 CFR 1.181 petition was granted based on non-receipt of the original Notice of Allowance, resulting in the withdrawal of the USPTO's holding of abandonment.</p>	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	OPTICUS IP LAW, PLLC		
Signature			
Printed name	JOSEPH E. GORTYCH		
Date	AUGUST 31, 2006	Reg. No.	41,791

CERTIFICATE OF TRANSMISSION/MAILING

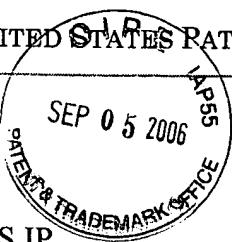
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	JOSEPH E. GORTYCH
Date	AUGUST 31, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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JUL 14 2006
OFFICE OF PETITIONS

In re Application of :
Vig, et al. :
Application No. 10/706,815 :
Filed: November 12, 2003 :
Attorney Docket No. 029-03US1 :
For: OPTICAL PULSE CALIBRATION
FOR QUANTUM KEY DISTRIBUTION

This is a decision on the petition under 37 CFR 1.181, filed June 16, 2006 (certificate of mailing date June 13, 2006) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit the issue fee and publication fee in response to the January 20, 2006 Notice of Allowance and Fee(s) Due, which set a three month non-extendable period for reply. No reply being received, the Office contended that this application became abandoned on April 21, 2006. A Notice of Abandonment was mailed on June 8, 2006.

Petitioners allege that the January 20, 2006 Notice was not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹

Petitioners have submitted a copy of the docket record where the requirement would have been entered had the January 20, 2006 Notice been received. In addition, practitioner referenced the

¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

docket record in the petition and stated that a review of the file jacket for the January 20, 2006 Notice was fruitless.

Petitioners have established non-receipt. The petition is **granted**, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center AU 2136 for the re-mailing of the January 20, 2006 Notice of Allowance and Fee(s) Due and Notice of Allowability with a new period set for reply.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions